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Counsel for Federal Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY; WISHTOYO
FOUNDATION,

Plaintiffs,

v.

DOUG BURGUM, et al.,

Federal Defendants

and

SABLE OFFSHORE CORP.,

Intervenor-Defendant.

)
)
)
) Case No. 2:24-cv-05459-MWC-
) MAA

)
) **THE UNITED STATES’/
) FEDERAL DEFENDANTS’
) EX PARTE APPLICATION
) FOR A STAY PENDING
) LAPSE IN
) APPROPRIATIONS**

)
) Honorable Michelle Williams Court
) United States District Judge

1 The United States, on behalf of Federal Defendants, and by and through
2 undersigned counsel of record, hereby apply ex parte for a stay of all deadlines and
3 proceedings in this case, pending the lapse in appropriations for the Federal
4 Government.

5 1. At the end of the day on September 30, 2025, the appropriations act
6 that had been funding the U.S. Department of Justice expired and those
7 appropriations to the Department lapsed. The Department of Justice does not know
8 when such funding will be restored by Congress.

9 2. Absent an appropriation, Department of Justice attorneys are
10 prohibited from working, even on a voluntary basis, except in very limited
11 circumstances, including “emergencies involving the safety of human life or the
12 protection of property.” 31 U.S.C. § 1342.

13 3. The United States and Federal Defendants therefore request a stay of
14 all proceedings in this matter until Congress has restored appropriations to the
15 Department.

16 4. If this ex parte application for a stay is granted, undersigned counsel
17 will notify the Court as soon as Congress has appropriated funds for the
18 Department. The United States and Federal Defendants request that, at that point,
19 the Parties to this matter be provided 7 days to file a proposed schedule for further
20 proceedings in this case.

21 5. Plaintiffs and Intervenor-Defendant, through counsel of record, have
22 been consulted. Intervenor-Defendant does not oppose a stay as proposed by
23 Federal Defendants. Plaintiffs oppose a stay contingent upon the date funding will
24 be restored, but would not oppose a timebound stay through November 3, at which
25 time Plaintiffs propose the Parties would submit a joint status report proposing
26 next steps in the case. Federal Defendants cannot commit to litigation activity on
27 November 3 if a shutdown remained in place at that time.

1 Therefore, although the United States and Federal Defendants regret any
2 disruption caused to the Court and the other litigants, the United States and Federal
3 Defendants hereby respectfully request a stay of this case until employees of the
4 Department of Justice are permitted to resume their usual civil litigation functions.
5

6 Respectfully submitted on October 10th, 2025.
7

8 ADAM R.F. GUSTAFSON
9 Acting Assistant Attorney General
10 Environment & Natural Resources
11 Division
12 U.S. Department of Justice

13 /s/ Daniel C. Luecke
14 DANIEL C. LUECKE
15 Trial Attorney, Natural Resources
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21 *Counsel for Federal Defendants*
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DECLARATION OF DANIEL LUECKE

I, Daniel Luecke, declare the following:

1. I am a Senior Trial Attorney for the United States Department of Justice, Environment & Natural Resources Division, Natural Resources Section, and I am the attorney principally responsible for representing Federal Defendants in the case entitled: *Center for Biological Diversity, et al. v. Burgum, et al.*, Case No. 2:24-cv-05459-MWC-MAA. I make this declaration based upon my personal knowledge and that gained by review of the official files and records of the United States. If called as a witness and placed under oath, I could and would competently testify thereto.

2. On October 7, 2025, I spoke on the phone with Plaintiffs' counsel, informed her that Federal Defendants planned to request a stay of proceedings in this case as a result of the lapse in appropriations for the Federal Government, and asked for Plaintiffs' position. Plaintiffs' counsel informed me that she would notify me of Plaintiffs' position. Having not yet received a response by October 9, 2025, I emailed Plaintiffs' counsel to request Plaintiffs' position on our application for a stay. Later on October 9, Plaintiffs' counsel informed me that Plaintiffs oppose a stay contingent upon the date funding will be restored, but would not oppose a timebound stay through November 3, at which time Plaintiffs propose the Parties would submit a joint status report proposing next steps in the case.

3. On October 8, 2025, I spoke on the phone with counsel for Intervenor-Defendant Sable Offshore Corp., informed her that Federal Defendants planned to request a stay of proceedings in this case as a result of the lapse in appropriations for the Federal Government, and asked for Intervenor-Defendant's position. Counsel for Intervenor-Defendant informed me that she would notify me of Intervenor-Defendant's position. On October 9, 2025, I received an email from counsel for Intervenor-Defendant stating that Intervenor-Defendant does not

1 oppose the stay application.

2 4. Plaintiffs' counsel's contact information is: Kristen Monsell, Center
3 for Biological Diversity, 2100 Franklin Suite, Suite 375, Oakland, CA 94612, 510-
4 844-7137, kmonsell@biologicaldiversity.org; Miyoko Sakashita, Center for
5 Biological Diversity, 2100 Franklin St., Suite 375, Oakland, CA 94612, 510-844-
6 7108, miyoko@biologicaldiversity.org; Julie Teel Simmonds, Center for
7 Biological Diversity, 2100 Franklin Street, Suite 375, Oakland, CA 94612, 510-
8 844-7133, jteelsimmonds@biologicaldiversity.org; Intervenor-Defendants'
9 counsel's contact information is: Janice M. Schneider, Latham & Watkins LLP,
10 555 Eleventh Street, NW, Suite 1000, Washington, D.C. 20004-1304, 202-637-
11 2306, janice.schneider@lw.com; Devin O'Connor, Latham & Watkins LLP, 555
12 Eleventh Street, NW, Suite 1000, Washington, D.C. 20004-1304, 202-637-2343,
13 devin.o'connor@lw.com; Daniel P. Brunton, Latham & Watkins LLP, 12670 High
14 Bluff Drive, San Diego, CA 92130, 858-523-5421, daniel.brunton@lw.com.

15 I declare under penalty of perjury that the above is true and correct.

16
17 Executed this 10th day of October, 2025, at Washington, D.C.

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19
20 /s/ Daniel Luecke

21 Daniel Luecke
22 Counsel for Federal Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send email notification to the attorneys of record.

/s/ Daniel Luecke
Daniel Luecke
Counsel for Federal Defendants